

## **REMARKS**

Claims 59-87, and 89-94 are pending in the present application. Claims 1-58 and 88 have been canceled. Claims 59, 68, 75, 76, 83, 90 and 91 have been amended. Claim 94 has been added.

1. The drawings were objected to under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims.

The Applicant believes that the replacement drawings filed in the communication filed on November 24, 2008 addressed this issue. The Examiner, however, noted that Figure 2 of the replacement drawing was identical to the original Figure 2. The Applicant points out that replacement Figure 2 is not identical. There was a small line added at the bottom of the Figure 2 extending between the bottom of the reaction chamber 1 and the bottom of the separator 2. The addition of this line shows a common wall between the reaction chamber and the separator. This double wall is as illustrated by the two lines disposed between the reaction chamber and the separator. The Applicant submits that this objection is now moot.

2. The Applicant notes that the Office Action dated March 3, 2008 did not specifically address the reason for rejection or allowance of claim 76 in the Detailed Action. The Applicant has assumed the Examiner has rejected this claim for the same reasons as independent claim 59.

3. Claims 59, 60, 62-65, 72, 76-80 and 87 stand rejected under 35 U.S.C. §102(e) as being anticipated by Dietz (5,771,844)

Regarding independent claim 59, the Examiner contends that Dietz shows all the limitations of this claim. The Applicant respectfully traverses the Examiner's rejection in light of the amendment to claim 59, which clarifies the claimed invention.

Specifically, newly amended claim 59 has been amended to clearly define the common wall as a wall disposed between the reaction chamber and the separation chamber of the centrifugal separator. Amended claim 59, further defines the common wall as “having opposing sides, whereby one opposing side defines at least a portion of a wall of the reaction chamber and the other opposing side defines at least a least a portion of a wall of the separation chamber.”

The Applicant contends that Dietz does not show such a circulating fluidized bed reactor as defined in claim 59. For instance, Dietz does not show the reaction chamber and the separation chamber of the centrifugal separator “having a common wall disposed therebetween, the common wall having opposing sides, whereby one opposing side defines at least a portion of a wall of the reaction chamber and the other opposing side defines at least a least a portion of a wall of the separation chamber”, as newly claimed. In contrast, Dietz shows the furnace 14 spaced from the cyclone barrel 16 of the cyclone separator 10. The Applicant further submits that newly amended claim 59 cannot be read that walls 14 or 15 of Dietz is a common wall, as noted by the Examiner.

Regarding claim 76, the Applicant assumes that the Examiner contends that Dietz shows all the limitations of this claim. The Applicant respectfully traverses the Examiner's rejection in light of the amendment to claim 76, which clarifies the claimed invention.

Similar to claim 59, newly amended claim 76 has been amended to clearly define which walls of the reaction chamber and the centrifugal separator are contiguous. Specifically, claim 76 recites that “a wall of the reaction chamber and a wall of the separation chamber of the centrifugal separator are contiguous.” (emphasis added) In contrast, Dietz shows the furnace 14 spaced from the cyclone barrel 16 of the cyclone separator 10 and is therefore not contiguous to the cyclone barrel. The Applicant further submits that the amended claim cannot be read that walls 14 or 15 of Dietz are contiguous with a wall of the cyclone barrel portion 16 of the cyclone separator 10, as noted by the Examiner.

The Applicant therefore respectively asserts that claims 59 and 76 are patentable over Dietz for at least these reasons. It is respectfully requested that these claims be reconsidered and allowed.

4. Claims 60, 62-65, 72, 77-80 and 87 variously depend on independent claims 59 and 76, and therefore, are patentable over Dietz for at least the reasons provided hereinbefore. It is respectfully requested that these claims be reconsidered and allowed.

5. Claims 61, 66 and 81 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dietz (5,771,844).

Claims 61, 66 and 81 depend on independent claim 59, and therefore, are patentable over Dietz for at least the reasons provided hereinbefore. It is respectfully requested that these claims be reconsidered and allowed.

6. Claims 67-70, 73-75, 82-85, and 88-90 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Baglione et al. (6,779,492) in view of Dietz (5,771,844).

After reviewing the priority of Baglione et al. and the present patent application, it appears that Baglione et al. is cited reference only under 35 U.S.C. 102(e), and therefore the present obvious rejection is a 35 U.S.C. 102(e)/103 obviousness rejection. According to 35 U.S.C. 103(c)(1), "Subject matter developed by another person, which qualifies as prior art only under one or more of the subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person." The Attorney of Record states that the present Application Serial No. 10/531,064 and U.S. Patent No. 6,779,492 were owned by the same person, Alstom (Switzerland) Ltd., at the time the invention of Application Serial No. 10/531,064 was made.

The Applicant contends under 35 U.S.C. 103(c) that the subject matter in Baglione et al. is now disqualified, and therefore the rejection of claims 67-70, 73-75, 82-85, 89 and 90 are now moot. It is respectfully requested that these claims be reconsidered and allowed. Claim 88 has been canceled.

7. Claims 71, 86, and 91-93 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dietz (5,771,844) in view of Baglione et al. (6,779,492).

After reviewing the priority of Baglione et al. and the present patent application, it appears that Baglione et al. is cited reference only under 35 U.S.C. 102(e), and therefore the present obvious rejection is a 35 U.S.C. 102(e)/103 obviousness rejection. According to 35 U.S.C. 103(c)(1), "Subject matter developed by another person, which qualifies as prior art only under one or more of the subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person." The Attorney of Record states that the present Application Serial No. 10/531,064 and U.S. Patent No. 6,779,492 were owned by the same

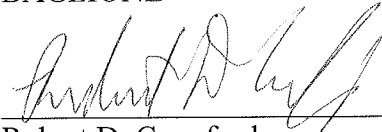
person, Alstom (Switzerland) Ltd., at the time the invention of Application Serial No. 10/531,064 was made.

The Applicant contends under 35 U.S.C. 103(c) that the subject matter in Baglione et al. is now disqualified, and therefore the rejection of claims 71, 86, and 91-93 are now moot. It is respectfully requested that these claims be reconsidered and allowed.

8. A petition for a one (1) month extension of time under 37 CFR 1.136 is submitted herewith. Please charge the fee of **\$350.00** for the (1) month extension of time and one (1) additional independent claim. Any deficiency or overpayment should be charged or credited to Deposit Account No. 03-2578 Order No. VA30408.

Respectfully submitted,

BAGLIONE

A handwritten signature in black ink, appearing to read "Robert D. Crawford", is written over a horizontal line.

Robert D. Crawford  
Registration No. 38,119

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ALSTOM Power Inc.  
2000 Day Hill Road  
Windsor, Connecticut 06095  
Phone: (860) 285-9117  
Fax: (860) 285-3515